MEMORANDUM

Date: August 25, 2011
To: TRPA Hearings Officer
From: TRPA Staff
Subject: Sardella Single Family Addition- New Detached Garage, 514 Gonowabie Rd., Washoe County, Nevada, Assessor’s Parcel Number (APN) 123-132-02, TRPA File Number ERSP2011-0642

Requested Action: Hearings Officer action on the proposed project and a finding of no significant environmental effect.

Staff Recommendation: Staff recommends that the Hearings Officer make the required findings and approve the proposed project.

Required Motions: In order to approve the proposed project, the Hearings Officer must make the following motions, based on this staff summary and the evidence in the record:

1) A motion to approve the required findings (see Attachment A), including a finding of no significant effect; and 2) A motion to approve the proposed project subject to the conditions contained in the draft permit (see Attachment B).

Project Description/Background: This project involves the addition of a detached two-car garage, with living area below, to an existing single family dwelling, and an increase to the living area of the existing single family dwelling that will include scenic improvements to the lake frontage. The project will relocate existing land coverage on-site. No additional land coverage will be created as a result of this project. The maximum proposed height for the detached garage will be 38 feet-10 inches. The proposed garage and single family dwelling remodel will use colors and materials that blend with the natural surroundings.

Issues/Concerns: According to Plan Area Statement 034-Crystal Bay, single family dwellings are a special use and therefore require Hearings Officer review in accordance with Chapter 4, Appendix A, of the TRPA Code. The primary project related issue is that the site is located within an Avalanche Hazard Area. An Avalanche Hazard Evaluation completed for this parcel by Larry Heywood on April 16, 2011 concluded that this property is unlikely to be threatened by snow avalanches. As a condition of approval,
the applicant will be required to record a deed restriction that indemnifies and holds TRPA harmless if any property on this parcel is damaged or destroyed as a result of an avalanche.

**Regional Plan Compliance:** The proposed project complies with all requirements of the TRPA Goals and Policies, Plan Area Statements, and Code of Ordinances, including all required findings in Chapters 6, 18, 20 and 22 of the TRPA Code of Ordinances (see Attachments A and C for details).

**Contact Information:** If you have any questions, please contact Theresa Avance, AICP, Senior Planner at tavance@trpa.org or 775-589-5224.

**Attachments:**

A. Required Findings/Rationale  
B. Draft Permit  
C. Regional Plan Compliance Analysis  
D. Project Plans
Attachment A: Required Findings/Rationale

The following is a list of the required findings as set forth in Chapters 6, 18, 20, and 22 of the TRPA Code of Ordinances. Following each finding, Agency staff has indicated if there is sufficient evidence contained in the record to make the applicable findings or has briefly summarized the evidence on which the finding can be made.

1. Chapter 6 – Required Findings:

   (a) The project is consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and maps, the Code and other TRPA plans and programs.

   TRPA staff has reviewed the proposal and confirmed that the proposed project is consistent with the Regional Plan, and determined that the project will not adversely affect implementation of the Regional Plan.

   (b) The project will not cause the environmental threshold carrying capacities to be exceeded.

   TRPA staff has completed the “Project Review Conformance Checklist and Article V(g) Findings” in accordance with Chapter 6, Subsection 6.3.B of the TRPA Code of Ordinances. All responses contained on the checklist indicate compliance with the environmental threshold carrying capacities. A copy of the completed checklist will be made available at the Hearings Officer meeting and at TRPA.

   (c) Wherever federal, state or local air and water quality standards applicable for the Region, whichever are strictest, must be attained and maintained pursuant to Article V(g) of the TPRA Compact, the project meets or exceeds such standards.

   (Refer to paragraph (b), above.)

2. Chapter 18 – Special Uses:

   (a) The project, to which the use pertains, is of such a nature, scale, density, intensity and type to be an appropriate use for the parcel on which, and surrounding area in which, it will be located.
The proposed single family dwelling modification and garage addition is located within an existing residential neighborhood with homes of similar size and scale, and is appropriate in this location.

(b) The project, to which the use pertains, will not be injurious or disturbing to the health, safety, enjoyment of property, or general welfare of persons or property in the neighborhood, or general welfare of the region, and the applicant has taken reasonable steps to protect against any such injury and to protect the land, water, and air resources of both the applicant’s property and that of surrounding property owners.

The applicant will be required to apply temporary and permanent Best Management Practices to protect the land, water, and air resources of the subject property and that of the surrounding property owners. An Avalanche Hazard Evaluation prepared for the site concluded that this property is not threatened by snow avalanches. As a condition of approval, the applicant will be required to record a deed restriction that indemnifies and holds TRPA harmless if any property on this parcel is damaged or destroyed as a result of an avalanche.

(c) The project, to which the use pertains, will not change the character of the neighborhood, detrimentally affect or alter the purpose of the applicable planning area statement, community plan and specific or master plan, as the case may be.

The proposed single family dwelling modification and garage addition is consistent with the character of the surrounding residential uses, is a permissible use in the plan area statement, and will result in improvements to public safety and emergency services access by moving the parking for the property further from the Gonowabie Road right of way.

3. Chapter 20 – Land Coverage:

(a) The relocation is to an equal or superior portion of the parcel or project area, as determined by reference to the following factors:

(i) Whether the area of relocation already has been disturbed.

(ii) The slope and natural vegetation on the area of relocation.

(iii) The fragility of the soil on the area of relocation.

(iv) Whether the area of relocation appropriately fits the scheme of use of the property.
(v) The relocation does not further encroach into a stream environment zone, backshore, or the setbacks established in the Code for the protection of stream environment zones or backshore.

(vi) The project otherwise complies with the land coverage mitigation program set forth in Section 20.5.

The area of the relocated land coverage for the garage is adjacent to the existing parking deck and is partially disturbed by existing erosion from the roadway and parking deck. Slope and existing vegetation is consistent throughout the parcel. All existing land coverage within the backshore is being relocated into the less sensitive portion of the parcel adjacent to the roadway, to allow for safer parking for residents and guests to the property, and more appropriately fits the scheme of use of the property. Relocated land coverage will be mitigated in accordance with TRPA Code of Ordinances Section 20.5.

(b) The area from which the land coverage was removed for relocation is restored in accordance with Subsection 20.5.

The original location for the land coverage to be relocated shall be revegetated and restored with appropriate species from the TRPA Approved Plant Species List.

(c) The relocation is not to Land Capability Districts 1a, 1b, 1c, 2, or 3, from any higher numbered land capability district.

The relocation is from land capability Classes 1a and 1b (Backshore) to land capability Class 1a.

4. Chapter 22 – Height:

(a) When viewed from major arterials, scenic turnouts, public recreation areas or the waters of Lake Tahoe, from a distance of 300 feet, the additional height will not cause a building to extend above the forest canopy, when present, or a ridgeline.

The proposed garage, with a total proposed height of 38 feet – 10 inches, and the single family dwelling modification, with the maximum proposed height of the addition of 42 feet, are located on a moderately steep parcel with some existing trees of approximately 50 to 60 feet in height, and will not extend above the existing forest canopy as viewed from Lake Tahoe.

(b) When outside a community plan, the additional height is consistent with the surrounding uses.
The height of the existing home is not changing and is consistent with the neighbors’ homes. The additional height of the garage, at 38 feet-10 inches, results from a cantilever over a steep bank. The structural height of the two-story garage is similar in height to the other garage structures on the street.

(c) The maximum height at any corner of two exterior walls of the building is not greater than 90 percent of the maximum building height. The maximum height at the corner of two exterior walls is the difference between the point of lowest natural ground elevation along an exterior wall of the building, and point at which the corner of the same exterior wall meets the roof. This standard shall not apply to an architectural feature described as a prow.

The maximum height at any corner of the garage building is 71 percent of the maximum building height. The maximum height at any corner of the single family dwelling building is 66 percent of the maximum building height. Therefore, both buildings comply with this requirement.
Attachment B: DRAFT PERMIT

PROJECT DESCRIPTION: Single Family Dwelling/Garage Addition  APN  123-132-02

PERMITTEE(S):       Louis Sardella  FILE # ERSP2011-0642

COUNTY/LOCATION:  Washoe/S14 Gonowabie Rd.

Having made the findings required by Agency ordinances and rules, the TRPA Hearings Officer approved the project on September 1, 2011, subject to the standard conditions of approval attached hereto (Attachment R), and the special conditions found in this permit.

This permit shall expire on September 1, 2014 without further notice unless the construction has commenced prior to this date and diligently pursued thereafter. Commencement of construction consists of pouring concrete for a foundation and does not include grading, installation of utilities or landscaping. Diligent pursuit is defined as completion of the project within the approved construction schedule. The expiration date shall not be extended unless the project is determined by TRPA to be the subject of legal action which delayed or rendered impossible the diligent pursuit of the permit.

NO TREE REMOVAL, CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL:
(1) TRPA RECEIVES A COPY OF THIS PERMIT UPON WHICH THE PERMITTEE(S) HAS ACKNOWLEDGED RECEIPT OF THE PERMIT AND ACCEPTANCE OF THE CONTENTS OF THE PERMIT;
(2) ALL PRE-CONSTRUCTION CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA’S ACKNOWLEDGEMENT OF THIS PERMIT;
(3) THE PERMITTEE OBTAINS A COUNTY BUILDING PERMIT. TRPA’S ACKNOWLEDGEMENT IS NECESSARY TO OBTAIN A COUNTY BUILDING PERMIT. THE COUNTY PERMIT AND THE TRPA PERMIT ARE INDEPENDENT OF EACH OTHER AND MAY HAVE DIFFERENT EXPIRATION DATES AND RULES REGARDING EXTENSIONS; AND
(4) A TRPA PRE-GRADING INSPECTION HAS BEEN CONDUCTED WITH THE PROPERTY OWNER AND/OR THE CONTRACTOR.

_______________________________________     _______________________________
TRPA Executive Director/Designee           Date

PERMITTEE’S ACCEPTANCE: I have read the permit and the conditions of approval and understand and accept them. I also understand that I am responsible for compliance with all the conditions of the permit and am responsible for my agents’ and employees’ compliance with the permit conditions. I also understand that if the property is sold, I remain liable for the permit conditions until or unless the new owner acknowledges the transfer of the permit and notifies TRPA in writing of such acceptance. I also understand that certain mitigation fees associated with this permit are non-refundable once paid to TRPA. I understand that it is my sole responsibility to obtain any and all required approvals from any other state, local or federal agencies that may have jurisdiction over this project whether or not they are listed in this permit.

Signature of Permittee(s)___________________________      Date______________________

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PERMIT CONTINUED ON NEXT PAGE

TA  AGENDA ITEM V.A
Offsite Coverage Mitigation Fee(1): Amount $ 468.00 Paid _____ Receipt No.______
Excess Coverage Mitigation Fee (2): Amount $_______ Paid _____ Receipt No.______
Security Posted (3): Amount $_______ Type ___ Paid _____ Receipt No.______
Security Administrative Fee (4): Amount $_______ Paid _____ Receipt No.______

Notes:
(1) See Special Condition 3.H., below.
(2) Amount to be determined. See Special Condition 3.I., below.
(3) Amount to be determined. See Special Condition 3.J., below.
(4) $152 if a cash security is posted, or $135 if a non-cash security is posted.

Required plans determined to be in conformance with approval: Date:______________

TRPA ACKNOWLEDGEMENT: The permittee has complied with all pre-construction conditions of approval as of this date and is eligible for a county building permit:

_____________________________________             ______________________________
TRPA Executive Director/Designee                                 Date

SPECIAL CONDITIONS

1. This permit specifically authorizes an increase to the living area of an existing single family dwelling, and the addition of a detached two-car garage with living area below. The project will relocate existing land coverage on-site; no additional land coverage will be created as a result of this project. The maximum proposed height for the detached garage will be 38 feet-10 inches. The proposed garage and single family dwelling remodel will use colors and materials that blend with the natural surroundings.

2. The Standard Conditions of Approval listed in Attachment R shall apply to this permit.

3. Prior to permit acknowledgement, the following conditions of approval must be satisfied.

   A. The site plan shall be revised to include:
(1) The following revised land coverage calculations:

(a) Allowable land coverage for each land capability district including backshore area.

Class 1a: $10,762 \text{ sq. ft.} \times 1\% = 108 \text{ sq. ft.}$
Class 1b (Backshore): $3,572 \text{ sq. ft.} \times 1\% = 35 \text{ sq. ft.}$

(b) Existing land coverage for each land capability district, including backshore areas.

Class 1a: 2171 sq. ft.
Class 1b (Backshore): 204 sq. ft. (171 sq. ft. (Dirt Path) + 33 sq. ft. (Stairs))

(c) Proposed land coverage for each land capability district, including backshore areas.

Class 1a: 2,375 sq. ft.
Class 1b (Backshore): 0 sq. ft.

(2) The recommendations of the arborist report required in Condition 3.E. of this permit shall be incorporated into the plans, and adjustments to the land coverage calculations shall be made to accommodate these changes, if necessary.

(3) Darker identification of the “Backshore Boundary” line.

(4) Reduce distinction of or remove identification of “Shorezone SEZ” line. The important identification is the Backshore Boundary.

(5) Location of snow storage for the proposed driveway. The snow storage location shall be convenient and practical for everyday shovel or snow thrower use.

(6) The permittee shall submit calculations demonstrating that the proposed infiltration facilities are sized accordingly for the slope and soil type of the property and will capture and infiltrate a 20 year/1 hour storm event.

(7) A note indicating: “All areas disturbed by construction shall be revegetated in accordance with the TRPA Handbook of Best Management Practices, and Living with Fire, Lake Tahoe Basin, Second Edition.”
A note indicating: “Dust control measures shall be in place during construction. Broadcast mulch shall not be permitted as a dust control measure within 35 feet of structures.”

Vegetation protective fencing around the entire construction site and individual trees where required. Where a tree exists within the construction area, the vegetation protection fencing must be placed beyond the drip-line of the outermost branches or, in limited instances, at the limit of the residential foundation. No equipment, personnel or disturbance is allowed within the vegetation fencing. The vegetation protection fencing required for the 26-inch pine and 20-inch pine located within 7 feet of the proposed garage, shall be located to the dripline of the tree to the fullest extent possible, until excavation of the footings and pathways commence. Only the portion of the vegetation fencing necessary to place the foundation and pathways may be removed. Excavation located within the dripline of these trees shall be completed by hand. No motorized/heavy vehicles shall be allowed within the dripline of these trees regardless of whether vegetation protection fencing is in place or not. Please note this condition on the site plan and ensure the contractors working on site are notified and aware of this permit condition.

Location of all recorded easements inherent to the property or resulting from this project.

B. The elevations shall be revised to identify the proposed color and material for the ground-level access doors on the lakefront facades of the structures.

C. The scenic contrast scoring and elevations shall be revised to include additional screening for the proposed project to allow for some room for error and redundancy in the assessment of visible area and visible perimeter scoring.

D. The landscape/revegetation/restoration plan for the project area shall be revised to include the area downslope of the existing structure. The area of the dirt path being removed shall be recontoured and restored to a natural condition. Additional screening vegetation required in Special Condition 3.C. of this permit shall be included on this landscape plan. All vegetation shall be consistent with the requirements of Chapter 30 of the TRPA Code of Ordinances, including the specification for sizing and species of plants.

E. The permittee shall submit for TRPA review and approval a report prepared by a certified arborist that examines the long-term viability of the 26-inch pine located south of the existing residence. If the tree can survive the proposed disturbance, then any recommendations by the arborist shall be incorporated into the project and construction plans. If measures are impractical and the tree cannot be preserved, the scenic analysis and proposed project shall be
revised to show compliance with the scenic shoreland ordinances without this tree.

F. The permittee shall record the attached deed restriction that will restrict the living area below the garage from being used as a separate residential unit. A copy of the recorded deed restriction or the original recorded deed restriction shall be provided to TRPA prior to acknowledgement of the permit.

G. The permittee shall record the attached deed restriction that indemnifies and holds harmless TRPA if property is damaged or destroyed as a result of an avalanche on this parcel. A copy of the recorded deed restriction or the original recorded deed restriction shall be provided to TRPA prior to acknowledgement of the permit.

H. The permittee shall submit an offsite coverage mitigation fee of $468.00 for the creation of 26 square feet of land coverage in the public right-of-way.

I. The affected property has 2,232 square feet of excess land coverage. The permittee shall mitigate a portion or all of the excess land coverage on this property by removing coverage within Hydrologic Transfer Area 9 – Agate Bay or by submitting an excess coverage mitigation fee.

To calculate the amount of excess coverage to be removed, use the following formula:

\[ \text{Estimated project construction cost} \times 1.0\% \div 8 \]

An excess land coverage mitigation fee may be paid in lieu of permanently retiring land coverage. The excess coverage mitigation fee shall be calculated as follows:

\[ \text{Coverage reduction square footage} \times \$18.00 \]

J. The security required under Standard Condition A.3 of Attachment R shall be determined upon the permittee’s submittal of required Best Management Practices plan and related cost estimate. The security shall be equal to 110% of the cost of the proposed BMPs, or $5,000, whichever is more. Please see Attachment J, Security Procedures, for appropriate methods of posting the security and for calculation of the required security administration fee.
K. The permittee shall submit three sets of final construction drawings and site plans to TRPA.

4. To the maximum extent allowable by law, the Permittee agrees to indemnify, defend, and hold harmless TRPA, its Governing Board, its Planning Commission, its agents, and its employees (collectively, TRPA) from and against any and all suits, losses, damages, injuries, liabilities, and claims by any person (a) for any injury (including death) or damage to person or property or (b) to set aside, attack, void, modify, amend, or annul any actions of TRPA. The foregoing indemnity obligation applies, without limitation, to any and all suits, losses, damages, injuries, liabilities, and claims by any person from any cause whatsoever arising out of or in connection with either directly or indirectly, and in whole or in part (1) the processing, conditioning, issuance, or implementation of this permit; (2) any failure to comply with all applicable laws and regulations; or (3) the design, installation, or operation of any improvements, regardless of whether the actions or omissions are alleged to be caused by TRPA or Permittee.

Included within the Permittee’s indemnity obligation set forth herein, the Permittee agrees to pay all fees of TRPA’s attorneys and all other costs and expenses of defenses as they are incurred, including reimbursement of TRPA as necessary for any and all costs and/or fees incurred by TRPA for actions arising directly or indirectly from issuance or implementation of this permit. Permittee shall also pay all costs, including attorneys’ fees, incurred by TRPA to enforce this indemnification agreement. If any judgment is rendered against TRPA in any action subject to this indemnification, the Permittee shall, at its expense, satisfy and discharge the same.

5. The permittee shall prepare and provide photographs to the TRPA Compliance Inspector that have been taken during construction that demonstrate any subsurface BMPs or trenching and backfilling proposed on the project have been constructed correctly (depth, fill material, etc.).

6. Excavation equipment shall be limited to approved construction areas to minimize site disturbance. No grading or excavation shall be permitted outside of the approved areas of disturbance.

7. All waste resulting from the saw-cutting of pavement shall be removed using a vacuum (or other TRPA approved method) during the cutting process or immediately thereafter. Discharge of waste material to surface drainage features is prohibited and constitutes a violation of this permit.

8. No trees shall be removed (other than those shown on the approved site plan) without prior TRPA written approval, except as allowed in Chapter 4 of the TRPA Code of Ordinances.
9. The permittee is responsible for insuring that the project, as built, does not exceed the approved land coverage figures shown on the site plan. The approved land coverage figures shall supersede scaled drawings when discrepancies occur.

END OF PERMIT
RECORDING REQUESTED BY:

Tahoe Regional Planning Agency
Post Office Box 5310
Stateline, Nevada 89449

WHEN RECORDED MAIL TO:

Tahoe Regional Planning Agency
Post Office Box 5310
Stateline, Nevada 89449
Attn: Theresa Avance, Senior Planner
TRPA File # ERSP2011-0642

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS CONCERNING
THE USE OF THE LIVING AREA ABOVE THE GARAGE ("DEED RESTRICTION")

TO BE RECORDED AGAINST APN 123-132-02

This Deed Restriction is made this _______ day of ______, 20__ by Louis M. Sardella, a single man (hereinafter "Declarant").

RECITALS

1. Declarant is the owner of certain real property described as follows:

   All that portion of Lot 1 of fractional Section 19, Township 16 North, Range 18 East, M.D.B.&M., Washoe County, Nevada, and being a portion of Lots 28 and 29 in Block #14 of that certain unrecorded Map of Crystal Bay Park, said Map on file at the Washoe County Engineers Office, described as follows:

   Beginning at a point on the south line of said Lot 28 from which a 3/4 iron pin marking an angle point in the government meander line of said Lot 1 bears North 59° 58’ 48” East 105.92 feet; thence from said point of beginning North 18° 17’ 44” East 50.56 feet; thence North 16° 35’ 14” East 49.04 feet; thence North 10° 49’ 23” East 6.29 feet; thence East 127.07 feet to a point on the westerly shoreline of Lake Tahoe; thence along said shoreline the following three (3) courses: South 1° 54’ 33” East 51.20 feet; thence South 4° 34’ 26” West 25.08 feet; thence South 13° 23’ 45” West 25.71 feet to a point on the South line of said Lot 28 extended easterly; thence along said South line and its extension West 151.87 feet to the point of beginning.
Said parcel was recorded as document number 3927810 on September 30, 2010 in the Office of the Washoe County Recorder and having Assessor’s Parcel Number 123-132-02 (hereinafter “Property”).

2. Declarant has received approval from the Tahoe Regional Planning Agency (TRPA) on September 1, 2011 to construct on the Property a two-car garage with living area below the garage. Said garage is to be accessory to the primary single family use associated with 514 Gonowabie Rd., APN 123-132-02.

3. The Property is located in the Tahoe Region as described in the Tahoe Regional Planning Compact (P.L. 96-551, 94 Stat. 3233, 1980), which region is subject to the regional plan and ordinances adopted by the TRPA pursuant to the Tahoe Regional Planning Compact.

4. As a condition of the above approval, Chapter 18 of the TRPA Code of Ordinances requires the appropriate deed restriction be recorded documenting the limits to the use of the living area on the second level of the garage.

**DECLARATIONS**

1. Declarant hereby declares that the living area on the below the garage is and shall be an accessory use to and part of the primary residence on 514 Gonowabie Rd., APN 123-132-02, and shall not be used in a fashion as to constitute a separate residential unit. Said living area, as an accessory use, shall not be permitted to contain cooking facilities. Said living area shall not be leased, rented, or used separate from the primary residence on 514 Gonowabie Rd. Use of the living area below the garage as a separate residential unit shall constitute a violation of the TRPA approval.

2. This Deed Restriction shall be deemed a covenant running with the land or an equitable servitude, as the case may be, and shall constitute benefits and burdens to the Property described above and shall be binding on the Declarant and Declarant’s assigns and all persons hereafter acquiring or owning any interest in the Property.

3. This Deed Restriction may not be revoked or modified without the prior express written and recorded consent of the Tahoe Regional Planning Agency or its successor agency, if any. TRPA is deemed and agreed to be a third party beneficiary of this Deed Restriction and as such, can enforce the provisions of this Deed Restriction.
IN WITNESS WHEREOF, Declarant has executed this Deed Restriction this the day and year written above.

Declarant’s Signature: ________________________________ Dated: ______________________

Louis M. Sardella

STATE OF )
   ) SS.
COUNTY OF )

On ____________________, before me, ________________________, Notary Public, personally appeared ________________________________, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of ________________ that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: ________________________________
APPROVED AS TO FORM:

___________________________________    Dated: ______________________

Tahoe Regional Planning Agency

STATE OF     Nevada     )
                   )    SS.
COUNTY OF  Douglas   )

On ______________________, before me, ______________________, Notary Public, personally
appeared ________________________________________________________, who proved to me on
the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within
instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized
capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity
upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of Nevada that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature: ____________________________________
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

TO HOLD HARMLESS AND INDEMNIFY (“DEED RESTRICTION”)

TO BE RECORDED AGAINST APN 123-132-02

This Deed Restriction is made this ______ day of ___________, 2005, by Louis M. Sardella, a single man (hereinafter “Declarant”).

RECITALS

1. Whereas Declarant applied to the Tahoe Regional Planning Agency (hereinafter “TRPA”) for a permit to construct a detached garage for an existing single family dwelling at 514 Gonowabie Rd., County of Washoe, State of Nevada, and described as follows:

   All that portion of Lot 1 of fractional Section 19, Township 16 North, Range 18 East, M.D.B.&M., Washoe County, Nevada, and being a portion of Lots 28 and 29 in Block #14 of that certain unrecorded Map of Crystal Bay Park, said Map on file at the Washoe County Engineers Office, described as follows:

   Beginning at a point on the south line of said Lot 28 from which a 3/4 iron pin marking an angle point in the government meander line of said Lot 1 bears North 59° 58’ 48” East 105.92 feet; thence from said point of beginning North 18° 17’ 44” East 50.56 feet; thence North 16° 35’ 14” East 49.04 feet; thence North 10° 49’ 23” East 6.29 feet; thence East 127.07 feet to a point on the westerly shoreline of Lake Tahoe; thence along said shoreline the following three (3) courses: South 1° 54’ 33” East 51.20 feet; thence South 4° 34’ 26” West 25.08 feet; thence South 13° 23’ 45” West 25.71 feet to a point on the South line of said Lot 28 extended easterly; thence along said South line and its extension West 151.87 feet to the point of beginning.
Said parcel was recorded as document number 3927810 on September 30, 2010 in the Office of the Washoe County Recorder and having Assessor’s Parcel Number 123-132-02 (hereinafter “Property”).

2. Whereas, the Property is located within a TRPA Plan Area that has been identified as an avalanche danger area.

3. Whereas, a report prepared by a consultant with expertise on the subject of avalanches and design techniques to avoid or mitigate avalanche impacts was completed, which included this parcel.

4. Whereas, based on said report, and subject to certain conditions, the Declarant has received approval from the TRPA on September 1, 2011 to construct a detached garage for an existing single family dwelling on the Property.

5. The Property is located in the Tahoe Region as described in the Tahoe Regional Planning Compact (P.L. 96-551, Stat. 3233, 1980), which region is subject to the regional plan and the ordinances adopted by the TRPA pursuant to the Tahoe Regional Planning Compact.

6. As a condition of the above approval, TRPA required that appropriate deed restrictions be recorded documenting the Declarant’s agreement on behalf of Declarant and Declarant’s heirs, successors and assigns, to hold harmless and indemnify TRPA and to record a deed restriction identifying said agreement.

DECLARATIONS

1. Therefore, in consideration of TRPA’s issuance of a permit to construct a garage addition for an existing single family dwelling, Declarant hereby assumes any and all risk associated with the construction, maintenance, ownership and use of the Property and the single family dwelling and garage, and further agrees to indemnify, defend, hold harmless and release TRPA, the members of its Governing Board, its successors, agents and employees as follows:

   A. Declarant hereby holds TRPA, the members of the Governing Board, its successors, agents and employees, harmless from all actions, causes of action, damages, claims or demands which they, their heirs, executors, successors, assigns, administrators, agents, grantees, lessees, sublessees, guests or invitees, may have or may acquire against TRPA, the members of its Governing Board, its successors agents and employees for any and all liabilities, damages, injuries or losses, known or unknown, which the Declarant or the above-described parties may incur or sustain by reason of construction, maintenance, use or ownership of the Property or of the existing single family dwelling and garage thereon.
B. Declarant hereby agrees to indemnify, defend and hold harmless TRPA, the members of its Governing Board, its successors, agents and employees (collectively referred to hereafter as “Indemnitee”) from any and all liabilities, losses or damages, including court costs and attorney fees, Indemnitee may suffer or incur as a result of claims, suits, actions, demands, damages, expenses, costs of judgments against it as a result of an avalanche arising from or related to TRPA’s issuance of a permit to construct a garage addition to the existing single family dwelling on the above-described Property, whether or not the liability, loss or damage is caused by or arises out of, the negligence of permittee, his heirs, executors, successors, assigns, administrators, agents, grantees, lessees, sublessees, guests or invitees.

C. Declarant agrees that Indemnitee may employ attorneys of its own selection to appear and defend the claim, action or suit on behalf of the Indemnitee, at the expense of permittee. Indemnitee, at its option, shall have the sole authority for the direction and conduct of its defense, and shall be the sole judge of the acceptability of any compromise or settlement of any claims or actions against Indemnitee.

D. Declarant expressly assumes full responsibility for all damages, losses and injuries which may result to any person or persons or adjoining property by reason of the construction, maintenance, use or ownership of the Property and agree to indemnify Indemnitee against any and all claims, actions, demands, suits, causes of action, damages, injuries or losses which arise from or are related to TRPA’s issuance of a permit for construction of the garage addition to the existing single family dwelling on the above-described Property.

2. This Deed Restriction shall be deemed a covenant running with the land or an equitable servitude, as the case may be, and shall be binding on the Declarants, their heirs, successors and assigns and all persons hereafter acquiring or owning any interest in the above-described Property.

3. This Deed Restriction shall not be modified or revoked without the prior express written and recorded consent of TRPA or its successor agency, if any.

4. Declarant has read this Deed Restriction and understands all its terms. Declarant has executed this Deed Restriction voluntarily and with full knowledge of its significance. Declarant has been offered the opportunity to review the terms of this Deed Restriction with an attorney prior to executing this Deed Restriction.
IN WITNESS WHEREOF, Declarant has executed this Deed Restriction this the day and year written above.

Declarant’s Signature: ____________________________________  Dated: ______________________
Louis M. Sardella

STATE OF )
    ) SS.
COUNTY OF )

On ______________________, before me, ______________________, Notary Public, personally appeared ________________________________________________________, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of ______________ that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: ____________________________________
APPROVED AS TO FORM:

___________________________________    Dated: ______________________

Tahoe Regional Planning Agency

STATE OF     Nevada     )
)    SS.
COUNTY OF  Douglas    )

On ______________________, before me, ______________________, Notary Public, personally appeared ________________________________________________________, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of Nevada that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: ________________________________
Attachment C: Regional Plan Compliance Analysis

A. Environmental Documentation: The applicant has completed an Initial Environmental Checklist (IEC) to assess the potential environmental impacts of the project and Vg findings have been completed in order to assess the potential impacts of the project. No significant environmental impacts were identified and staff has concluded that the project, as conditioned, will not have a significant effect on the environment. A copy of the IEC and Vg findings will be made available at the Hearings Officer hearing and at TRPA.

B. Plan Area Statement/Community Plan: The project is located within Plan Area 034. The Land Use Classification is Residential and the Management Strategy is Mitigation. Agency staff has reviewed the subject Plan Area and has determined that the project is consistent with the applicable planning statement, planning considerations, and special policies. The proposed use (single family dwelling) is listed as a special use.

C. Land Coverage:

1. Land Coverage Calculations (all numbers in square feet):

   Table 1, below, summarizes TRPA land coverage calculations for the proposed project.

<table>
<thead>
<tr>
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</thead>
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<tr>
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<td>1b</td>
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<td>-</td>
<td>143</td>
<td>2,375</td>
<td>2,375</td>
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</table>

2. Excess Land Coverage Mitigation:

   Based on the above coverage figures, the existing project area contains 2,232 sq. ft. of excess land coverage. Pursuant to Subsection 20.5 of the TRPA Code of Ordinances, the applicant shall be required to either pay a mitigation fee or reduce existing coverage to mitigate the excess land coverage.
Date: August 25, 2011
To: TRPA Hearings Officer
From: TRPA Staff
Subject: Raymond Zessin and Salvo Trust/Raleys Aisle 1 Fuel Station - New Service Station, 1020 Emerald Bay Rd., City of South Lake Tahoe, California, Assessor’s Parcel Number (APN) 23-411-24, TRPA File Number ERSP2011-0835

Requested Action: Hearings Officer action on the proposed project and a finding of no significant environmental effect.

Staff Recommendation: Staff recommends that the Hearings Officer make the required findings and approve the proposed project.

Required Motions: In order to approve the proposed project, the Hearings Officer must make the following motions, based on this staff summary and the evidence in the record:

1) A motion to approve the required findings (see Attachment A), including a finding of no significant effect; and
2) A motion to approve the proposed project subject to the conditions contained in the draft permit (see Attachment B).

Project Description/Background: The proposed project consists of the reconstruction of a vacant service station adjacent to Raley’s and the South Lake Tahoe Transit Center (former location of the Shell service station). The proposal includes a 2,134 square foot convenience store, a fueling canopy with six fueling dispensers (twelve fueling positions), and a 1,310 square foot automated car wash. The project also includes the underground installation of two double-walled fuel tanks, appropriate BMPs, and landscaping and an artistic fence to help screen the fuel pumps from Highway 50. No new land coverage will be created as a result of this project. A total of 8,559 square feet of land coverage will be removed as a part of this project and banked onsite for future use or transfer.

Issues/Concerns: The proposed project will create more than 200 new daily vehicle trip ends, and therefore require Hearings Officer review in accordance with Chapter 4, Appendix A, of the TRPA Code. See Attachment C for discussion of this issue.
Regional Plan Compliance: The proposed project complies with all requirements of the TRPA Goals and Policies, Plan Area Statements, and Code of Ordinances, including all required findings in Chapters 6, 22, and 64 of the TRPA Code of Ordinances (see Attachments A and D for details).

Contact Information: If you have any questions, please contact Theresa Avance, AICP, Senior Planner at tavance@trpa.org or 775-589-5224.

Attachments:
A. Required Findings/Rationale
B. Draft Permit
C. Issues Discussion
D. Regional Plan Compliance Analysis
E. Project Plans
Attachment A: Required Findings/Rationale

The following is a list of the required findings as set forth in Chapters 6, 22, and 64 of the TRPA Code of Ordinances. Following each finding, Agency staff has indicated if there is sufficient evidence contained in the record to make the applicable findings or has briefly summarized the evidence on which the finding can be made.

1. Chapter 6 – Required Findings:

   (a) The project is consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and maps, the Code and other TRPA plans and programs.

   TRPA staff has reviewed the proposal and confirmed that the proposed project is consistent with the Regional Plan, and determined that the project will not adversely affect implementation of the Regional Plan.

   (b) The project will not cause the environmental threshold carrying capacities to be exceeded.

   TRPA staff has completed the “Project Review Conformance Checklist and Article V(g) Findings” in accordance with Chapter 6, Subsection 6.3.B of the TRPA Code of Ordinances. All responses contained on the checklist indicate compliance with the environmental threshold carrying capacities. A copy of the completed checklist will be made available at the Hearings Officer meeting and at TRPA.

   (c) Wherever federal, state or local air and water quality standards applicable for the Region, whichever are strictest, must be attained and maintained pursuant to Article V(g) of the TRPA Compact, the project meets or exceeds such standards.

   (Refer to paragraph (b), above.)

2. Chapter 22 – Height:

   (a) When viewed from major arterials, scenic turnouts, public recreation areas or the waters of Lake Tahoe, from a distance of 300 feet, the additional height will not cause a building to extend above the forest canopy, when present, or a ridgeline.
Both proposed structures will be visible from Highway 50. As each structure is one-story in height and approximately 29 feet high as measured from existing grade, the distant ridgeline to the west will remain visible from the highway corridor. There are a number of mature trees immediately adjacent to the site, and the backdrop forest canopy exceeds 30 feet in height, therefore, the buildings will not extend above the forest canopy.

(b) When outside a community plan, the additional height is consistent with the surrounding uses.

The proposed height of 29 feet is less than or equal to the height of the single-story commercial structures located on the surrounding properties.

(c) The maximum height at any corner of two exterior walls of the building is not greater than 90 percent of the maximum building height. The maximum height at the corner of two exterior walls is the difference between the point of lowest natural ground elevation along an exterior wall of the building, and point at which the corner of the same exterior wall meets the roof. This standard shall not apply to an architectural feature described as a prow.

The maximum height at any corner of the convenience store building is 43 percent of the maximum building height. The maximum height at any corner of the fuel canopy structure is 61 percent of the maximum building height. Therefore, both buildings comply with this requirement.

3. Chapter 64 – Excavation:

(a) A soils/hydrologic report prepared by a qualified professional, whose proposed content and methodology has been reviewed and approved in advance by TRPA, demonstrates that no interference or interception of groundwater will occur as a result of the excavation.

TRPA staff reviewed soils/hydrologic report and issued an excavation depth approval letter on June 15, 2011, TRPA File Number 20070204. The letter approved excavation depth of up to 18 feet below ground surface (bgs) for the new underground storage tanks, and up to 20 feet below ground surface for the foundation of the fuel canopy.

(b) The excavation is designed such that no damage occurs to mature trees, except where tree removal is allowed pursuant to Subsection 65.2.E, including root systems and hydrologic conditions of the soil.

There are no mature trees located on this property or within sufficient proximity to the proposed excavation that could be damaged by the project.
Excavated material is disposed of pursuant to Section 64.5 and the project area’s natural topography is maintained pursuant to Subparagraph 30.5.A(1); or if groundwater interception or interference will occur as demonstrated by a soils/hydrologic report prepared by a qualified professional, the excavation can be made as an exception pursuant to Subparagraph 64.7.A(2) and measures are included in the project to maintain groundwater flows to avoid adverse impacts to SEZ vegetation, if any would be affected, and to prevent any groundwater or subsurface water flow from leaving the project area as surface flow.

Excavated material shall be disposed of offsite at an approved location according to TRPA requirements.
Attachment B: DRAFT PERMIT

PROJECT DESCRIPTION: New Convenience Store/Fuel Station/Car Wash  APN 023-411-24

PERMITTEE(S): Raymond Zessin and Salvo Trust  FILE # ERSP2011-0835

COUNTY/LOCATION: City of South Lake Tahoe/1020 Emerald Bay Road

Having made the findings required by Agency ordinances and rules, the TRPA approved the project on September 1, 2011, subject to the standard conditions of approval attached hereto (Attachment Q), and the special conditions found in this permit.

This permit shall expire on September 1, 2014 without further notice unless the construction has commenced prior to this date and diligently pursued thereafter. Commencement of construction consists of pouring concrete for a foundation and does not include grading, installation of utilities or landscaping. Diligent pursuit is defined as completion of the project within the approved construction schedule. The expiration date shall not be extended unless the project is determined by TRPA to be the subject of legal action which delayed or rendered impossible the diligent pursuit of the permit.

NO CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL:

(1) TRPA RECEIVES A COPY OF THIS PERMIT UPON WHICH THE PERMITTEE(S) HAS ACKNOWLEDGED RECEIPT OF THE PERMIT AND ACCEPTANCE OF THE CONTENTS OF THE PERMIT;
(2) ALL PRE-CONSTRUCTION CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA’S ACKNOWLEDGEMENT OF THIS PERMIT;
(3) THE PERMITTEE OBTAINS A CITY BUILDING PERMIT. TRPA’S ACKNOWLEDGEMENT IS NECESSARY TO OBTAIN A CITY BUILDING PERMIT. THE CITY PERMIT AND THE TRPA PERMIT ARE INDEPENDENT OF EACH OTHER AND MAY HAVE DIFFERENT EXPIRATION DATES AND RULES REGARDING EXTENSIONS; AND
(4) A TRPA PRE-GRADING INSPECTION HAS BEEN CONDUCTED WITH THE PROPERTY OWNER AND/OR THE CONTRACTOR.

________________________________________________________________________________________

TRPA Executive Director/Designee          Date

PERMITTEE’S ACCEPTANCE: I have read the permit and the conditions of approval and understand and accept them. I also understand that I am responsible for compliance with all the conditions of the permit and am responsible for my agents’ and employees’ compliance with the permit conditions. I also understand that if the property is sold, I remain liable for the permit conditions until or unless the new owner acknowledges the transfer of the permit and notifies TRPA in writing of such acceptance. I also understand that certain mitigation fees associated with this permit are non-refundable once paid to TRPA. I understand that it is my sole responsibility to obtain any and all required approvals from any other state, local or federal agencies that may have jurisdiction over this project whether or not they are listed in this permit.

________________________________________________________________________________________

Signature of Permittee(s)___________________________      Date______________________

PERMIT CONTINUED ON NEXT PAGE
Air Quality Mitigation Fee (1): Amount $11,294.40 Paid _____ Receipt No.______

Excess Coverage Mitigation Fee (2): Amount $_______ Paid _____ Receipt No.______

Security Posted (3): Amount $_______ Type ___ Paid _____ Receipt No.______

Security Administrative Fee (4): Amount $_______ Paid _____ Receipt No.______

Notes:
(1) See Special Condition 3.J., below.
(2) Amount to be determined. See Special Condition 3.K., below.
(3) Amount to be determined. See Special Condition 3.L., below.
(4) $152 if a cash security is posted, or $135 if a non-cash security is posted.

Required plans determined to be in conformance with approval: Date:______________

TRPA ACKNOWLEDGEMENT: The permittee has complied with all pre-construction conditions of approval as of this date and is eligible for a county building permit:

_____________________________________             ______________________________
TRPA Executive Director/Designee                               Date
-------------------------------------------------------------------------------------------------------------------------------

SPECIAL CONDITIONS

1. This permit specifically authorizes the reconstruction of a vacant service station adjacent to Raley’s and the South Lake Tahoe Transit Center (former location of the Shell service station). The proposal includes a 2,134 square foot convenience store, a fueling canopy with six fueling dispensers (twelve fueling positions), and a 1,310 square foot automated car wash. The project also includes the underground installation of two double-walled fuel tanks, appropriate BMPs, and landscaping to help screen the development from Highway 50. No new land coverage will be created as a result of this project. A total of 8,559 square feet of land coverage and 829 square feet of commercial floor area (cfa) will be removed and banked onsite for future use or transfer.

2. The Standard Conditions of Approval listed in Attachment Q shall apply to this permit.
3. Prior to permit acknowledgement, the following conditions of approval must be satisfied.

A. The site plan shall be revised to include:

(1) The following revised land coverage calculations:

<p>| | |</p>
<table>
<thead>
<tr>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Lot Area:</td>
<td>43,018 sq. ft.</td>
</tr>
<tr>
<td>Allowable Land Coverage (Class 7/30%):</td>
<td>12,905 sq. ft.</td>
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<tr>
<td><strong>Existing Land Coverage:</strong></td>
<td></td>
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<tr>
<td>Buildings:</td>
<td>2,964 sq. ft.</td>
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<tr>
<td>Concrete/AC Paving:</td>
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<td>Total Existing:</td>
<td>41,438 sq. ft.</td>
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<td>Buildings:</td>
<td>3,444 sq. ft.</td>
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<tr>
<td>Concrete/AC Paving:</td>
<td>29,435 sq. ft.</td>
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<td>Total Proposed:</td>
<td>32,879 sq. ft.</td>
</tr>
<tr>
<td>Banked Coverage:</td>
<td>8,559 sq. ft.</td>
</tr>
</tbody>
</table>

(2) The following driveways will have directional signage added as noted:

(a) The northwest driveway (Lake Tahoe Boulevard through the Transit Center) shall be marked as “One Way”, “Do Not Enter/Exit Only”, and “Right Turn Only”. Additionally, stop signs will placed where this driveway is joined by the exit driveway from the Transit Center. This driveway may not be used to access the Fuel Station, but may be used to exit the Fuel Station, turning right onto Lake Tahoe Blvd.

(b) The northeast (Highway 50, closest to the Transit Center) shall be marked as “Right Turn Only” for exiting traffic.

(3) A note indicating: “All areas disturbed by construction shall be revegetated in accordance with the TRPA Handbook of Best Management Practices and Living with Fire, Lake Tahoe Basin, Second Edition.”
A note indicating: “Dust control measures shall be in place during construction. Broadcast mulch shall not be permitted as a dust control measure within 35 feet of structures.”

Temporary erosion control structures located downslope of the proposed construction areas. Please Note: Straw bales are no longer acceptable for temporary erosion control or mulch material in the Lake Tahoe Basin. The use of straw has contributed to the spread of noxious weeds throughout the basin. The use of alternatives to straw bales, such as pine needle bales, filter fabric, coir logs and pine needle or wood mulches for erosion control purposes is required.

Vegetation protective fencing around the entire construction site. The fencing shall be no more than 12 feet from any footprint, driveway, or area of approved disturbance. Trees located within the construction area that are to be retained shall be individually protected by fencing or other means as necessary.

Location of all recorded easements inherent to the property or resulting from this project.

B. The BMP Plan shall be revised to include:

1. Replace large gravel-filled dry wells with underground stormwater infiltration facilities that use infiltration cells with greater void space, and that have maintenance ports for removal of sediment (Stormtech, Rainstore, etc.).

2. The permittee shall submit calculations demonstrating that the revised infiltration facilities are sized accordingly for the slope and soil type of the property and will capture and infiltrate a 20 year/1 hour storm event.

C. The elevation plans shall be revised to include:

1. Height calculations for the proposed convenience store and fuel canopy shall be revised to be measured from the low point of foundation wall at existing grade (not finished grade or finished floor) to the highest roof ridge.
An outline of proposed excavation depths for the foundation walls of the convenience store, the footings for the fuel canopy, and the installation of the fuel tanks.

D. Detail plans of the proposed underground fuel tank shall include:

(1) The proposed fuel storage system shall be a HydroGuard system (or approved equal) with double wall, turbine enclosure, fiberglass hydrostatic tank with leak detection sensors, and meet or exceed all California Title 23 and El Dorado County Environmental Health requirements.

(2) The underground fuel storage system shall, in addition to the double-wall tanks, include a non-permeable liner/fiberglass basin completely surrounding the tank and fuel lines on all sides of the excavated area to provide an added layer of protection from any potential fuel discharges to the groundwater.

E. The landscape plan shall be revised so that all vegetation shall be consistent with the requirements of Section 30.7 of the TRPA Code of Ordinances, including the specification for sizing and species of plants. Plant species shall primarily consist of native species and those adapted for the Tahoe Basin, as found on the List of Recommended Plant Species for the Tahoe Basin (Home Landscaping Guide for Lake Tahoe and Vicinity, Chapter 7, Table 1).

F. The permittee shall provide a fertilizer management plan in accordance with the standards required in Section 81.7 of the TRPA Code of Ordinances.

G. The permittee shall provide a dewatering plan for the proposed excavation, consistent with all applicable waste water discharge and water quality standards.

H. The final construction drawings shall have notes indicating conformance to the following design standards for color, roofs, and fences:

(1) **Color:** The color of this structure, including any fences on the property, shall be compatible with the surroundings. Subdued colors in the earthtone and woodtone ranges shall be used for the primary color of the structure. Hues shall be within the range of natural colors that blend, rather than contrast, with the existing
vegetation and earth hues. Earhtone colors are considered to be shades of reddish brown, brown, tan, ochre, and umber.

(2) **Roofs**: Roofs shall be composed of non-glare earhtone or woodtone materials that minimize reflectivity.

(3) **Fences**: Wooden fences shall be used whenever possible. If cyclone fence must be used, it shall be coated with brown or black vinyl, including fence poles.

I. The traffic analysis prepared by Fehr & Peers shall be revised to include an analysis of impacts to Air Quality that may result from this project, in accordance with Subsection 93.3.B. of the TRPA Code of Ordinances. Any mitigations suggested by the analysis shall be considered as additional conditions of this permit and shall be implemented as such.

J. The permittee shall submit an $11,294.40 air quality mitigation fee. This fee is based on the addition of 312 daily vehicle trip ends at $36.20/trip.

K. The affected property has 28,533 square feet of excess land coverage. The permittee shall mitigate a portion or all of the excess land coverage on this property by removing coverage within Hydrologic Transfer Area 5 – Upper Truckee, or by submitting an excess coverage mitigation fee. To calculate the amount of excess coverage to be removed, use the following formula:

\[
\text{Estimated project construction cost} \times 0.0325 \div 8
\]

If you choose this option, please revise your final site plans and land coverage calculations to account for the permanent coverage removal.

An excess land coverage mitigation fee may be paid in lieu of permanently retiring land coverage. The excess coverage mitigation fee shall be calculated as follows:

\[
\text{Coverage reduction square footage} \times 8.50
\]

Coverage reduction square footage (as determined by formula above) multiplied by the coverage mitigation cost fee of $8.50 for projects within Hydrologic Transfer Area 5 – Upper Truckee. Please provide a construction cost estimate by your licensed contractor.
architect or engineer. In no case shall the mitigation fee be less than $200.00.

L. The security required under Standard Condition I.B. of Attachment Q shall be equal to 110% of the estimated BMP cost, and shall be determined upon the permittee’s submittal of required Best Management Practices plan and related cost estimate. Please see Attachment J, Security Procedures, for appropriate methods of posting the security and for calculation of the required security administration fee.

M. The permittee shall submit three sets of final construction drawings and site plans to TRPA.

4. The permittee shall submit a projected construction completion schedule to TRPA prior to commencement of construction. Said schedule shall include completion dates for each item of construction, as well as BMP installation for the entire project area.

5. During construction, the permittee shall prepare and provide photographs to the TRPA Compliance Inspector that demonstrate any subsurface BMPs or trenching and backfilling proposed on the project have been constructed correctly (depth, fill material, etc.).

6. All waste resulting from the saw-cutting of pavement shall be removed using a vacuum (or other TRPA approved method) during the cutting process or immediately thereafter. Discharge of waste material to surface drainage features is prohibited and constitutes a violation of this permit.

7. The architectural design of this project shall include elements that screen from public view all external mechanical equipment, including refuse enclosures, satellite receiving disks, communication equipment, and utility hardware on roofs, buildings or the ground. Roofs, including mechanical equipment and skylights, shall be constructed of non-glare finishes that minimize reflectivity.

8. No business signs are approved as a part of this permit. Business signs for this project area shall be reviewed and approved by the City of South Lake Tahoe.

9. To the maximum extent allowable by law, the Permittee agrees to indemnify, defend, and hold harmless TRPA, its Governing Board, its Planning Commission, its agents, and its employees (collectively, TRPA) from and against any and all suits, losses, damages, injuries, liabilities, and claims by any person (a) for any injury (including death) or damage to person or property or (b) to set aside,
attack, void, modify, amend, or annul any actions of TRPA. The foregoing indemnity obligation applies, without limitation, to any and all suits, losses, damages, injuries, liabilities, and claims by any person from any cause whatsoever arising out of or in connection with either directly or indirectly, and in whole or in part (1) the processing, conditioning, issuance, or implementation of this permit; (2) any failure to comply with all applicable laws and regulations; or (3) the design, installation, or operation of any improvements, regardless of whether the actions or omissions are alleged to be caused by TRPA or Permittee.

Included within the Permittee’s indemnity obligation set forth herein, the Permittee agrees to pay all fees of TRPA’s attorneys and all other costs and expenses of defenses as they are incurred, including reimbursement of TRPA as necessary for any and all costs and/or fees incurred by TRPA for actions arising directly or indirectly from issuance or implementation of this permit. Permittee shall also pay all costs, including attorneys’ fees, incurred by TRPA to enforce this indemnification agreement. If any judgment is rendered against TRPA in any action subject to this indemnification, the Permittee shall, at its expense, satisfy and discharge the same.
**Attachment C: Discussion of Issues**

A. **Traffic:** The existing service station site has been closed for more than eight years. Therefore there are no existing daily vehicle trip ends (DVTE) associated with the site and any proposed project will result in new DVTE. The applicant has provided a traffic analysis which demonstrates that the proposed commercial project would generate an increase of 312 DVTE (defined as a significant increase in Chapter 93 of the TRPA Code of Ordinances). This DVTE increase also equates to a 780 mile increase in vehicle miles traveled (VMT). To address this increase, the applicant will be required to pay an air quality mitigation fee for use by the local jurisdiction or the Tahoe Transportation District on projects that further the goals of the Regional Transportation Plan or the 1992 Air Quality Plan.

As indicated in the traffic report prepared for this project, the project will not impact the level of service (LOS) at any street intersection. Other potential traffic impacts associated with this project relate to vehicle turn conflicts at the proposed driveways into the service station property. These conflicts will be resolved by installing directional signs that limit traffic leaving through these driveways to making right turns only. Additionally, the driveway that is shared by the existing Transit Center will be restricted to one-way, exit only traffic.
Attachment D: Regional Plan Compliance Analysis

A. Environmental Documentation: The applicant has completed an Initial Environmental Checklist (IEC) to assess the potential environmental impacts of the project and Vg findings have been completed in order to assess the potential impacts of the project. No significant environmental impacts were identified and staff has concluded that the project, as conditioned, will not have a significant effect on the environment. A copy of the IEC and Vg findings will be made available at the Hearings Officer hearing and at TRPA.

B. Plan Area Statement/Community Plan: The project is located within Plan Area 110. The Land Use Classification is Commercial/Public Service and the Management Strategy is Redirection. Agency staff has reviewed the subject Plan Area and has determined that the project is consistent with the applicable planning statement, planning considerations, and special policies. The proposed use (service station) is listed as an allowed use.

C. Land Coverage:

1. Land Coverage Calculations (all numbers in square feet):

Table 1, below, summarizes TRPA land coverage calculations for the proposed project.

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<tr>
<td>7</td>
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<td>12,905</td>
<td>41,438</td>
<td>32,879</td>
<td>8,559</td>
</tr>
</tbody>
</table>

2. Excess Land Coverage Mitigation:

Based on the above coverage figures, the existing project area contains 28,533 sq. ft. of excess land coverage. Pursuant to Subsection 20.5 of the TRPA Code of Ordinances, the applicant shall be required to either pay a mitigation fee or reduce existing coverage to mitigate the excess land coverage.
D. Commercial Floor Area (CFA):

Existing CFA (verified): 2,963 sq. ft.
Proposed CFA: 2,134 sq. ft.
Banked CFA: 829 sq. ft.
MEMORANDUM

To: TRPA Hearings Officer

From: TRPA Staff

Date: August 25, 2011


Requested Action: Hearings Officer action on the proposed project and related findings based on this Staff Summary and the Draft Permit (Attachment A).

Staff Recommendation: Staff recommends that the Hearings Officer make the required findings and approve the proposed project based on this staff summary and the evidence contained in the project record. The recommended conditions of approval are contained in the attached Draft Permit (Attachment B).

Required Actions: Staff recommends that the Hearings Officer approve the project by making the following motions and findings based on this staff summary and the evidence contained in the record:

I. Approve the findings contained in this staff summary.

II. Approve the project, based on the staff summary, subject to the conditions contained in the attached Draft TRPA permit.

Project Description: The applicant is proposing to construct a new single family dwelling with attached garage located at 285 Gonowabie Road, Crystal Bay, Nevada. The project includes construction of a 3 foot tall stone-veneer public safety wall along the parcel’s street frontage, and re-grading of a portion of Gonowabie Road to alter the cross-slope towards the inside bend of the roadway and away from the new driveway location. Single family dwellings are a special use within the Crystal Bay Plan Area Statement (PAS 034) due to avalanche danger, sensitivity of the surrounding low land capability areas and public safety considerations. Sixty square feet of additional coverage (beyond base allowable coverage) is proposed to be transferred into the project area for construction of the safety wall.

Site Description: The approximately 0.18 acre vacant parcel is located near the junction of Gonowabie Road and State Route 28 in Crystal Bay, Nevada. The parcel is located on the lakeside of the Highway and a portion of the proposed residence would be visible along Roadway Unit #21, currently in attainment with TRPA’s Scenic Threshold. Access to the parcel can be challenging given the steep topography of the area, particularly driving in snow and ice conditions. The land use on surrounding developed parcels is residential. Despite the very steep topography, the IPES score for this parcel allows for 28 percent Base Allowable Coverage.
There is 233 square feet of existing coverage onsite attributed to a portion of Gonowabie Road encroaching onto the parcel, and on old wooden water tank and concrete pad that is no longer in service.

Regional Plan Compliance: The proposed project complies with all requirements of the TRPA Goals and Policies, Plan Area Statements, and Code of Ordinances, including all required findings in Chapters 6, 18, 20, and 22 of the TRPA Code of Ordinances (see attachment C for details).

Contact Information: If you have any questions, please contact Patrick Dobbs, Associate Planner II, at pdobbs@trpa.org or (775) 589-5215.

Attachments:
- Required Findings/Rationale
- Draft Permit
- Regional Plan Compliance Analysis
- Site Plans and Elevation Plans

Required Findings: The following is a list of the required findings as set forth in Chapters 6, 18, 20, and 22 of the TRPA Code of Ordinances. Following each finding, Agency staff has indicated if there is sufficient evidence contained in the record to make the applicable findings or has briefly summarized the evidence on which the finding can be made.

1. Chapter 6 Findings:

   (a) The project is consistent with and will not adversely affect Implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and maps, the Code, and other TRPA plans and programs.

   The project is consistent with the Regional Plan and will not adversely affect implementation of TRPA’s Goals and Policies, Plan Area Statement 034 (Crystal Bay), and other plans and programs. The project includes measures to improve public safety along Gonowabie Road. The stepped foundation design allows the structure to be built into the slope, minimizing the scenic impact of the building along Scenic Roadway Unit #21. Despite the land sensitivity of the surrounding area, the 772 IPES score for this parcel is indicative of a suitable building site. Not all design guidelines have been followed, but design standards have been met.

   (b) The project will not cause the environmental threshold carrying capacities to be exceeded.

   The basis for this finding is provided on the checklist entitled “Project Review Conformance Checklist and Article V(g) Findings” in accordance with Chapter 6, Subsection 6.3.B of the TRPA Code of Ordinances. All responses contained on said checklist indicate compliance with the
environmental threshold carrying capacities. A copy of the completed checklist will be made available at the Hearings Officer hearing and at the TRPA offices.

(c) Wherever federal, state or local air and water quality standards applicable for the region, whichever are strictest, must be attained and maintained pursuant to Article V.(d) of the TRPA Compact, the project meets or exceed those standards.

The proposed project will meet the strictest air and water quality standards.

2. Chapter 18 – Special Use Findings:

(a) The project, to which the use pertains, is of such a nature, scale, density, intensity and type to be an appropriate use for the parcel on which, and surrounding area in which, it will be located.

The nature of this residential project is consistent with the designated land use classification of PAS 034. The project is at, or near, the maximum for building height and land coverage, however this scale is consistent with many of the surrounding existing structures. The project complies with the 1 unit per parcel maximum density standard. Articulated building and roof planes, exterior colors that integrate with the surrounding natural environment, and partial screening of the building provided by the safety wall and proposed vegetation, lessen the intensity of the structure helping to mitigate the building’s bulk and mass and making this an appropriate project for the parcel and neighborhood.

(b) The project, to which the use pertains, will not be injurious or disturbing to the health, safety, enjoyment of property, or general welfare of persons or property in the neighborhood, or general welfare of the region, and the applicant has taken reasonable steps to protect against any such injury and to protect the land, water and air resources of both the applicant’s property and that of surrounding property owners.

The safety wall along Gonowabie Road will improve public health and safety for vehicles. Temporary and permanent Best Management Practices (BMPs) will identify and define approved construction areas to prevent injury and protect land, water, and air resources on the applicant’s property and surrounding property. An avalanche hazard evaluation of Crystal Bay concluded that this property is threatened by snow avalanches. As a condition of approval, the applicant will be required to record a deed restriction that indemnifies and holds TRPA harmless if any property on this parcel is damaged or destroyed as a result of an avalanche.

(c) The project, to which the use pertains, will not change the character of the neighborhood detrimentally affect or alter the purpose of the applicable PD
planning area statement, community plan and specific or master plan, as the case may be.

The new single family dwelling will not change the character of the neighborhood, and because the neighborhood character will not change, the planning area statement directs preservation of existing character, will be adhered to.

3. Chapter 20.3.B – Transferred Land Coverage Requirements:

(a) The project is on the list of additional public service facilities if required pursuant to Section 33.5;

The proposed new safety wall is consistent with Section 33.5.A of the Code. Washoe County did an extensive review of this project during the County building setback variance process. The Washoe County Department of Public Works Director has stated the need for the safety wall.

(b) There is no feasible alternative that would reduce land coverage;

This finding is based on the following information:

I. The property owner had to already reduce the allowable coverage by deeding 229 square feet of the property to Washoe County. This was due to a portion of Gonowabie Road encroaching onto the parcel.

II. The County would not allow for the parcel to be made whole (the same size) by deeding the property owner part of the lot across Gonowabie Road.

III. The County would not expand the roadway across from the parcel to compensate in the removal of the roadway width.

IV. Due to the roads existing width not being able to be expanded, the safety wall had to be placed on the parcel owned by the applicant.

(c) The project, because of its unusual configuration or service requirement, requires special consideration; and

The on-site safety wall represents an unusual service requirement which has received special consideration from Washoe County’s Department of Public Works.

(d) The facility primarily serves the needs of persons other than those who are, or will be, residents of the lands in question, or the owners of the land in question.
The primary purpose of the safety wall is to protect public health and for those using Gonowabie Road.

4. **Chapter 20.5.C – Relocation of Existing Land Coverage:**

   (a) The relocation is to an equal or superior portion of the parcel or project area, as determined by reference to the following factors:

   (1) **Whether the area of relocation already has been disturbed;**

   The area for relocation is for the driveway for the proposed residence. This area is part of the existing road fill for Gonowabie Road. Due to this fact, the material in the area is the same as where the existing A/C road encroachment is being removed.

   (2) **The slope of and natural vegetation on the area of relocation;**

   The slope of this area is not the natural slope of the parcel. Vegetation is limited by the existing guardrail system that will be removed. Therefore, the slope from which the A/C road encroachment being removed is not as steep, and the area is part of the same road system.

   (3) **The fragility of the soil on the area of relocation;**

   Soil fragility will be improved. The area from which the A/C is being removed is not the natural soil. The road edge is not currently supported. With the new safety wall being placed at this point and appropriate soil provided for the new vegetation, the moving of this coverage will be a net gain environmentally. The fragility of the soil where the 152 square feet will be relocated from will be retained by an engineered wall system and stability and fragility will not be an issue.

   (4) **Whether the area of relocation appropriately fits the scheme of use of the property;**

   The area from which the coverage is coming from is now used for vehicles and the area where is going (driveway) will have the same use.

   (5) **The relocation does not further encroach into a stream environment zone, backshore, or the setbacks established in the Code for the protection of stream environment zones or backshore;**

   Not applicable. There is no Stream Environment Zone (SEZ) on the site.
(6) **The project otherwise complies with the land coverage mitigation program set forth in Section 20.5; and**

There will be no excess coverage on the site, therefore the excess coverage land mitigation program is not applicable.

(b) **The area from which the land coverage was removed for relocation is restored in accordance with Subsection 20.4.C.**

The restoration will be completed pursuant to Subsection 20.4.C of the TRPA Code of Ordinances. Native vegetation will be planted in areas where coverage removal is occurring.

(c) **The relocation is not to Land Capability Districts 1a, 1b, 1c, 2 or 3, from any higher numbered land capability district.**

The relocation is to the same land class and type.

(d) **If the relocation is from one portion of a SEZ to another portion, there is a net environmental benefit to the SEZ.**

Not applicable. There is no SEZ on the property.

5. **Chapter 22.7 – Additional Height Findings:**

(a) **When viewed from major arterials, scenic turnouts, public recreation areas or the waters of Lake Tahoe, from a distance of 300 feet, the additional height will not cause a building to extend above the forest canopy, when present, or a ridgeline.**

The residence will not extend above the forest canopy. This is true when viewing the structure from Lake Tahoe and State Route 28, from a distance of 300 feet.

(b) **When outside a community plan, the additional height is consistent with the surrounding uses.**

The proposed height of the residence is consistent with surrounding homes.

(c) **The maximum height at any corner of two exterior walls of the building is not greater than 90 percent of the maximum building height.**

The proposed height for the building is 42 feet. The corner height is 28 feet that equals a 66% finding for this Code section. It meets the rule of being less than 90% of the maximum building height.
DRAFT PERMIT


PERMITTEE: Juliet Ashton FILE: ERSP2011-0481

COUNTY/LOCATION: Washoe/285 Gonowabie Road, Crystal Bay, Nevada

Having made the findings required by Agency ordinances and rules, TRPA Hearings Officer approved the project on September 1, 2011 subject to the standard conditions of approval attached hereto (Attachment R) and the special conditions found in this permit.

This permit shall expire on September 1, 2014 without further notice unless the construction has commenced prior to this date and diligently pursued thereafter. Commencement of construction consists of pouring concrete for a foundation and does not include grading, installation of utilities or landscaping. Diligent pursuit is defined as completion of the project within the approved construction schedule. The expiration date shall not be extended unless the project is determined by TRPA to be the subject of legal action which delayed or rendered impossible the diligent pursuit of the permit.

NO DEMOLITION, TREE REMOVAL, CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL:
(1) TRPA RECEIVES A COPY OF THIS PERMIT UPON WHICH THE PERMITTEE(S) HAS ACKNOWLEDGED RECEIPT OF THE PERMIT AND ACCEPTANCE OF THE CONTENTS OF THE PERMIT;
(2) ALL PRE-CONSTRUCTION CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA’S ACKNOWLEDGEMENT OF THIS PERMIT;
(3) THE PERMITTEE OBTAINS A COUNTY BUILDING PERMIT. TRPA’S ACKNOWLEDGEMENT IS NECESSARY TO OBTAIN A COUNTY BUILDING PERMIT. THE COUNTY PERMIT AND THE TRPA PERMIT ARE INDEPENDENT OF EACH OTHER AND MAY HAVE DIFFERENT EXPIRATION DATES AND RULES REGARDING EXTENSIONS; AND
(4) A TRPA PRE-GRADING INSPECTION HAS BEEN CONDUCTED WITH THE PROPERTY OWNER AND/OR THE CONTRACTOR.

_______________________________________     ____________
TRPA Executive Director/Designee                         Date
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PERMITTEE’S ACCEPTANCE: I have read the permit and the conditions of approval and understand and accept them. I also understand that I am responsible for compliance with all the conditions of the permit and am responsible for my agents’ and employees’ compliance with the permit conditions. I also understand that if the property is sold, I remain liable for the permit conditions until or unless the new owner acknowledges the transfer of the permit and notifies TRPA in writing of such acceptance. I also understand that certain mitigation fees associated with this permit are non-refundable once paid to TRPA. I understand that it is my sole responsibility to obtain any and all required approvals from any other state, local or federal agencies that may have jurisdiction over this project whether or not they are listed in this permit.

_______________________________________     ____________
Signature of Permittee                         Date
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PERMIT CONTINUED ON NEXT PAGE

PD        Page 7        AGENDA ITEM V.C.
APN: 123-133-22
FILE NO. ERSP2011-0481

Water Quality Mitigation Fee (1): Amount $3,641.88  Paid _____  Receipt No.__________

Air Quality Mitigation Fee (2): Amount $3,258.40  Paid _____  Receipt No.__________

Security Posted (3): Amount $5,000.00  Type ___  Paid _____  Receipt No.__________

Security Administrative Fee (4): Amount $________  Paid _____  Receipt No.__________

Notes:
(1) See Special Condition 3. E., below.
(2) See Special Condition 3. F., below.
(3) See Special Condition 3. G., below.
(4) $152 if a cash security is posted, or $135 if a non-cash security is posted. See Attachment J.

Required plans determined to be in conformance with approval: Date: ______________

TRPA ACKNOWLEDGEMENT: The permittee has complied with all pre-construction conditions of approval as of this date and is eligible for a county building permit:

_____________________________________             ______________________________
TRPA Executive Director/Designee                                 Date

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SPECIAL CONDITIONS

1. This permit specifically authorizes construction of a new single family dwelling located at 285 Gonowabie Road, Crystal Bay, Nevada. The project includes construction of a 3 foot tall stone-veneer public safety wall along the parcel’s street frontage, and re-grading of a portion of Gonowabie Road to alter the cross-slope towards the inside bend of the roadway and away from the new driveway location. Excavation exceeding 5 feet below grade is not authorized with this permit.

2. The Standard Conditions of Approval listed in Attachment R shall apply to this permit.

3. Prior to permit acknowledgement, the following conditions of approval must be satisfied.

   A. The site plan shall be revised to include:
(1) A note indicating: “All areas disturbed by construction shall be re-vegetated in accordance with the TRPA Handbook of Best Management Practices and Living with Fire, Lake Tahoe Basin, Second Edition.”

(2) Installation of erosion control measures downslope of construction material storage area.

B. The elevation plans shall be revised as follows:

(1) Remove tempered glass railings from decks and replace with non-glass material (e.g. cable, wood, etc.) which complies with International Building Code requirements.

C. The permittee shall complete and record with the Washoe County Recorder’s Office a TRPA approved deed restriction to hold TRPA harmless from any and all liabilities including avalanches. A copy of the recorded deed restriction or the original recorded deed restriction shall be provided to TRPA prior to acknowledgement of the permit.

D. The permittee shall transfer 60 square feet of coverage to this parcel. All transferred coverage shall be from any land capability class, or have an IPES score of 772 or less; and be located within Hydrologic Area #9 (Agate Bay – Nevada). (Note all coverage transfers must be in compliance with Chapter 20 of the TRPA Code of Ordinances, and the TRPA Rules of Procedure.) Evidence of the completed coverage transfer shall be provided to TRPA prior to acknowledgement of the permit.

E. A water quality mitigation fee of $3,641.88 shall be paid to TRPA. This fee is based on the creation of 1,958 square feet of land coverage at a rate of $1.86/Sq. ft.

F. The permittee shall submit a $3,258.40 air quality mitigation fee. This fee is based on the addition of 10 daily vehicle trip ends at $325.84/trip.

G. The security required under Standard Condition A.3 of Attachment R shall be $5,000.00. Please see Attachment J, Security Procedures, for appropriate methods of posting the security and for calculation of the required security administration fee.

H. The permittee shall submit three sets of final construction drawings and site plans to TRPA.

4. Excavation equipment shall be limited to the foundation footprint to minimize site disturbance. No grading or excavation shall be permitted outside of the building footprint.
5. All waste resulting from the saw-cutting of pavement shall be removed using a vacuum (or other TRPA approved method) during the cutting process or immediately thereafter. Discharge of waste material to surface drainage features is prohibited and constitutes a violation of this permit.

6. This approval is based on the permittee’s representation that all plans and information contained in the subject application are true and correct. Should any information or representation submitted in connection with the project application be incorrect or untrue, TRPA may rescind this approval, or take other appropriate action.

7. All exterior lighting shall be consistent with TRPA Code of Ordinances, Chapter 30, Section 30.8, Exterior Lighting Standards.

8. All trash storage and enclosures shall be screened from public view in accordance with Subsection 30.5.B (4) of the TRPA Code of Ordinances.

9. Temporary and permanent BMPs may be field fit by the Environmental Compliance Inspector where appropriate. During the Pre-Grade Inspection, the TRPA inspector may require additional Temporary BMP’s.

10. To the maximum extent allowable by law, the Permittee agrees to indemnify, defend, and hold harmless TRPA, its Governing Board, its Planning Commission, its agents, and its employees (collectively, TRPA) from and against any and all suits, losses, damages, injuries, liabilities, and claims by any person (a) for any injury (including death) or damage to person or property or (b) to set aside, attack, void, modify, amend, or annul any actions of TRPA. The foregoing indemnity obligation applies, without limitation, to any and all suits, losses, damages, injuries, liabilities, and claims by any person from any cause whatsoever arising out of or in connection with either directly or indirectly, and in whole or in part (1) the processing, conditioning, issuance, or implementation of this permit; (2) any failure to comply with all applicable laws and regulations; or (3) the design, installation, or operation of any improvements, regardless of whether the actions or omissions are alleged to be caused by TRPA or Permittee.

Included within the Permittee's indemnity obligation set forth herein, the Permittee agrees to pay all fees of TRPA's attorneys and all other costs and expenses of defenses as they are incurred, including reimbursement of TRPA as necessary for any and all costs and/or fees incurred by TRPA for actions arising directly or indirectly from issuance or implementation of this permit. Permittee shall also pay all costs, including attorneys’ fees, incurred by TRPA to enforce this indemnification agreement. If any judgment is rendered against TRPA in any action subject to this indemnification, the Permittee shall, at its expense, satisfy and discharge the same.

END OF PERMIT
Attachment C – Regional Plan Compliance Analysis

A. **Environmental Documentation:** The applicant has completed an Initial Environmental Checklist (IEC) in order to assess the potential impacts of the project. No significant impacts were identified and staff has concluded that the project will not have a significant effect on the environment. A copy of the completed IEC will be made available at the Hearings Officer meeting and at TRPA.

B. **Plan Area Statement:** The parcel is located within Plan Area Statement 034 – Crystal Bay. The Land Use Classification is Residential with a Management Strategy of Mitigation. Single Family Dwellings are a special use therefore requiring Hearings Officer review in accordance with Chapter 4, Appendix A, of the TRPA Code. Agency staff has reviewed Plan Area Statement 034 and has determined that the project, as conditioned in the attached permit, is consistent with the applicable planning statement, planning considerations, and special policies.

C. **Land Coverage:**

1. **IPES:** The IPES score for the parcel is 772 with 28 percent base allowable coverage.

2. **Total Existing Land Coverage:** 233 square feet.

3. **Total Allowable Land Coverage:** The base allowable land coverage for the 7,919 square foot lot is 2,217 square feet.

4. **Total Proposed Land Coverage:** Total proposed land coverage is 2,251 square feet. Of the total proposed coverage, 60 square feet is being transferred into the parcel to facilitate construction of a public health and safety vehicle barrier along the subject parcel’s Gonowabie Road frontage. The transferred coverage is not deducted from the parcel’s base allowable coverage, therefore 2,191 square feet of the parcel’s available base allowable is proposed for the project, leaving 26 feet of unused potential coverage (inherently) banked onsite.

D. **Transportation:** The Daily Vehicle Trip Ends (DVTE) for single family dwellings is 10. Based on a mitigation fee of 325.84 per DVTE, the permittee will be required to submit an air quality mitigation fee of 3,258.40. There are no long term transportation impacts resulting from this project which will not have a significant or measurable impact on area traffic or to regional and sub-regional air quality.